

AUG 16 2007

Appl. No. 10/826,733
Reply to Office Action of May 16, 2007

REMARKS

New claims 8 - 19 have been added in order to alternately define the invention as disclosed in the specification. Support for new claims 8 and 9 in the middle of page 12 to the top of page 13 of the specification. Support for new claims 10 and 11 can be found on page 15 of the specification. Support for new claims 12 - 15 can be found on page 23 of the specification. Support for new claims 16 – 19 can be found on page 17 of the specification.

Applicant respectfully requests reconsideration of the prior art rejections set forth by the Examiner under 35 U.S.C. §103(a). Applicant respectfully submits that the prior art references of record, whether considered alone, or in combination, fail to either teach or suggest Applicant's presently claimed invention as amended.

Applicant has amended claims 1 and 5 such that claims 1 and 5 now include the limitation that the recording medium include at least a silicon oxide layer and a silicon layer formed in that order over a substrate. Neither Knight nor Okubo discloses wherein the recording layer is formed over a SiO₂ layer. Rather, as clearly set forth in Column 37 of Knight and Fig.'s 6 and 9 of Okubo, these references disclose that the recording should be formed directly on the substrate.

For at least this reason, Applicant's submit that the Examiner's rejections should be withdrawn, and claims 1 – 2 and 5 – 7 placed in condition for allowance.

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Furthermore, neither Knight nor Okubo disclose the formation of a SiO₂ layer, a Si recording layer, and then a protective layer, in that order, over a substrate.

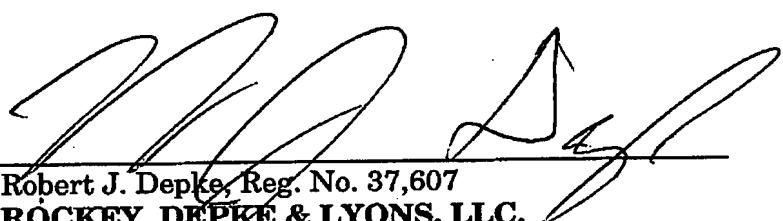
For this reason also, Applicant's submit that the Examiner's rejections should be withdrawn, and claims 1 - 2 and 5 - 7 placed in condition for allowance.

In specific regard to claims 6 and 7, Applicants submit that neither Knight nor Okubo disclose the use of a protective layer made from a material selected from the group consisting of HfO₂, ZrO₂, boron nitride and diamond.

For this reason also, Applicant's submit that the Examiner's rejections should be withdrawn, and claims 6 and 7 placed in condition for allowance.

Respectfully submitted,

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